

Section 75 FAMILY CAREGIVER SUPPORT PROGRAM**75.01 DEFINITIONS**

- (A) **Child** means an individual who is not more than eighteen (18) years of age.
- (B) **Older Individual** means an individual who is 60 years of age or older.
- (C) **Family Caregiver** means an adult family member, or another individual, who is an informal caregiver provider of in-home and community care to an older individual.
- (D) **Grandparent or Older Individual Who is a Relative Caregiver** means a grandparent or step grandparent of a child, or a relative of a child by blood or marriage, who is sixty (60) years of age or older and
- (1) lives with the child;
 - (2) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
 - (3) has a legal relationship to the child, such as legal custody or guardianship or is raising the child informally.

75.02 REQUIREMENTS OF AREA AGENCIES ON AGING (AAA)

- (A) In conducting the Family Caregiver Support Program, AAA, or entities contracted with by the AAA, will provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.
- (B) The services provided by AAA or entity that such agency has contracted with, shall include:
- (1) information to caregivers about available services;
 - (2) assistance to caregivers in gaining access to services;
 - (3) individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiver roles;
 - (4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and
 - (5) supplemental services on a limited basis {no more than twenty (20) percent of the federal funding} to complement the care provided by caregivers.
- (C) Respite care and supplemental services may be provided to:
- (1) The caregiver of an older individual who needs assistance with at least 2 ADLs, which include only bed mobility, transfer, locomotion, eating, toileting, bathing and dressing as defined in Section 63.02(B) of this

- BEAS Policy Manual or has a cognitive or other mental impairment that requires substantial supervision; or
- (2) The grandparent (age 60 or older) or older individual, as defined in 75.01 (B), who is a relative caregiver of a child.
- (D) Priority will be given to older individuals with greatest social and economic need (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities.
- (E) Funding shall not be used to provide respite or adult day services to the caregivers of individuals who are eligible for or currently receiving other state or MaineCare funded home and community-based services, including Private Duty Nursing/Personal Care Services, or Respite Care for People with Alzheimer's or Related Disorders, except when the care recipient is on a waiting list for those services.
- (F) Funds made available shall supplement, and not supplant, any Federal, State or local funds currently being used to provide services to caregivers.
- (G) No more than ten percent (10%) of the area agency's funds may be spent serving older relative caregivers of children.
- (H) AAA will set aside a portion of their funding for joint activities with a statewide impact.
- (I) Each AAA will set aside a portion of funds allocated based on population seventy and older (70+) for grants/contracts to local agencies to identify caregivers, link them to current services or to work with community organizations for in-service training, establishment of support groups, respite care and/or leadership training.
- (J) To the extent that budgeted resources permit and to the extent that there is no waiting list for respite services, funds appropriated under 22 MRSA §7308 may be used to meet up to 80% of the match requirement for the National Family Caregiver Support Program.

75.03 STAFF REQUIREMENTS

The AAA must designate a minimum of one full time equivalent staff, qualified through education and/or experience, to the Family Caregiver Support Program. This requirement may be waived if the AAA can demonstrate that it is adequately managing with an alternate staffing pattern.

75.04 RECORDS AND REPORTS

The AAA will make such reports, in such form and containing such information as the Bureau may from time to time require, and comply with such requirements as the Bureau may impose to assure the accuracy of these reports.

75.05 RIGHT OF APPEAL REGARDING FAMILY CAREGIVER SUPPORT

(A) Services may be denied, reduced or terminated when:

- (1)** The individual requesting services is not a family caregiver or grandparent or older individual as defined in Section 75.01; or
- (2)** Based on the assessment done by the area agency on aging, services are reduced to match the caregiver's needs; or
- (3)** The caregiver voluntarily requests a reduction or termination; or
- (4)** The caregiver or care recipient engages in sexual or other illegal harassment of an employee or volunteer of a provider; or
- (5)** The participation of the caregiver or the care recipient puts others, including service providers, in danger; or
- (6)** Funds are not available.

(B) Denial, reduction or termination of services under Section 75 must be done in accordance with Section 40 of this manual.